

REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

The Examiner has again rejected claims 19 and 20 under 35 U.S.C. 112, second paragraph as being indefinite.

In response, claims 19 and 20 have been amended in view of the Examiner's rejection. Specifically, the terms "first frame" and "second frame" have been amended to "first frame part" and "second frame part." This terminology is supported by the specification at, for example, page 22, line 20. In addition, claim 19 has further been amended to recite an opening, such as, for example, the opening 102a in FIG. 9B, that is defined by, and located between, the first frame part and the second frame part.

In addition, claim 19 has been amended to specifically recite that the movable electrode is *inter alia* supported above the opening, and that the movable electrode (rather than the beam portion) is displaceable in the displacement direction in response to a dynamic quantity applied thereto.

Therefore, in view of the above amendments, Applicants assert that claim 19 is now in full compliance with 35 U.S.C. 112, second paragraph, and respectfully request that the Examiner's rejection of claims 19 and 20 be withdrawn.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. 102(b) or, in the alternative, under 35 U.S.C. 103(a) in view of Ishio et al. (Ishio). This rejection is respectfully traversed.

Ishio describes a semiconductor physical quantity sensor including, as shown in FIG. 15, a silicon substrate 40 that forms movable electrodes, such as the movable electrode 7a, as well as

fixed electrodes, such as the fixed electrode 11a, above another silicon substrate 49. However, unlike the present invention, the silicon substrate 49 does not include an opening defined by, and located between, first and second frame parts. As is evident in FIGs. 5 and 15 of Ishio, neither the substrate 1 nor the substrate 49 defines such an opening. Therefore, the movable electrodes, such as the movable electrode 7a, are not supported above an opening in the substrates 1, 49, but rather are merely supported above the substrates.

In addition, the elements identified in Ishio by reference numbers 3a, 3b are not frame parts that correspond to the first and second frame parts of the support substrate 140 of the present invention, but rather are anchor portions that protrude from the substrate 1 to support beam portions 4, 5 of beam structure 2A (see col. 3, lines 36-42). Claim 19 as amended now clearly recites the structure of the present invention in a manner that clearly distinguishes it from the structure disclosed in Ishio.

Therefore, as Ishio neither teaches nor suggests all elements of the present invention as recited in claim 19, Applicants respectfully request that the Examiner withdraw his rejection under 35 U.S.C. 102(b) / 103(a) of claims 19 and 20.

The Examiner should further note that new claims 23 and 24 have been added. These claims further distinguish the present invention as recited in claim 19 over the art of record and in a manner that is supported by the specification and drawings (see, for example, page 19, lines 5-21 and FIG. 9B).

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. G. Posz', written over a horizontal line.

David G. Posz
Reg. No. 37,701

Posz & Bethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400